

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOHN MONTANO and RUTHIE MONTANO,
Individually and as Parents and Guardians of
ZACKARY KYLE MONTANO, a minor, and
HANNAH JOY MONTANO, a minor,

Plaintiffs,

vs.

Civ. No. 99-344 RLP/WWD

ALLSTATE INDEMNITY COMPANY and
BILLIE JO MARSH,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant's Motion to Preclude Plaintiff's Expert Life Care Planner [docket no. 124] and Defendant's Motion to Preclude Plaintiff's Expert Economist [docket no. 127] filed January 31, 2000. Defendant Allstate seeks to preclude Plaintiffs' experts from testifying by asserting that the reports submitted to Defendant are "inadequate and incomplete in a number of respects." Plaintiffs argue that the reports are not inadequate, and that even if they are, preclusion of the witnesses is too harsh a sanction to impose.

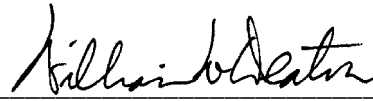
Discussion

I partially agree with both the Defendant and the Plaintiffs. The summaries in the reports are informative but they do not supply enough detail to show how the figures in the summaries are derived from the various tables and other attachments to the reports. It would not be an onerous undertaking to require Mr. Hamilton and Ms. Stewart to explicate their summaries; i.e., to give concise explanations of how they get to the respective summary from the respective attachments. On or before February 24, 2000, Plaintiffs shall serve on Defendant supplements to Mr. Hamilton's report and Ms. Stewart's

report which adequately detail the bases and reasons for the summarized expert opinions. No fees will be awarded at this time.

Discovery shall proceed in accordance with the foregoing.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "William B. Deaton", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE